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SENATE BILL 109

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO HEALTH CARE FOR INDIGENTS; REVISING REIMBURSEMENT  
CRITERIA FOR CERTAIN SERVICES IN AN OUTPATIENT SETTING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 27-5-4 NMSA 1978 (being Laws 1965,  
Chapter 234, Section 4, as amended) is amended to read:

"27-5-4. DEFINITIONS. --As used in the Indigent Hospital  
and County Health Care Act:

A. "ambulance provider" or "ambulance service"  
means a specialized carrier based within the state authorized  
under provisions and subject to limitations as provided in  
individual carrier certificates issued by the public regulation  
commission to transport persons alive, dead or dying en route  
by means of ambulance service. The rates and charges  
established by public regulation commission tariff shall govern

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1 as to allowable cost. Also included are air ambulance services  
2 approved by the board. The air ambulance service charges shall  
3 be filed and approved pursuant to Subsection D of Section  
4 27-5-6 NMSA 1978 and Section 27-5-11 NMSA 1978;

5 B. "board" means a county indigent hospital and  
6 county health care board;

7 C. "indigent patient" means a person to whom an  
8 ambulance service, a hospital or a health care provider has  
9 provided medical care, ambulance transportation or health care  
10 services and who can normally support himself and his  
11 dependents on present income and liquid assets available to him  
12 but, taking into consideration this income and those assets and  
13 his requirement for other necessities of life for himself and  
14 his dependents, is unable to pay the cost of the ambulance  
15 transportation or medical care administered or both. If  
16 provided by resolution of a board, it shall not include any  
17 person whose annual income together with his spouse's annual  
18 income totals an amount that is fifty percent greater than the  
19 per capita personal income for New Mexico as shown for the most  
20 recent year available in the survey of current business  
21 published by the United States department of commerce. Every  
22 board that has a balance remaining in the fund at the end of a  
23 given fiscal year shall consider and may adopt at the first  
24 meeting of the succeeding fiscal year a resolution increasing  
25 the standard for indigency. The term "indigent patient"

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1 includes a minor who has received ambulance transportation or  
2 medical care or both and whose parent or the person having  
3 custody of that minor would qualify as an indigent patient if  
4 transported by ambulance, admitted to a hospital for care or  
5 treated by a health care provider;

6 D. "hospital" means a general or limited hospital  
7 licensed by the department of health, whether nonprofit or  
8 owned by a political subdivision, and may include by resolution  
9 of a board the following health facilities if licensed or, in  
10 the case of out-of-state hospitals, approved by the department  
11 of health:

- 12 (1) for-profit hospitals;  
13 (2) state-owned hospitals; or  
14 (3) licensed out-of-state hospitals where  
15 treatment provided is necessary for the proper care of an  
16 indigent patient when that care is not available in an in-state  
17 hospital;

18 E. "cost" means all allowable costs of providing  
19 health care services, to the extent determined by resolution of  
20 a board, for an indigent patient. Allowable costs shall be  
21 based on medicaid fee-for-service reimbursement rates for  
22 hospitals, licensed medical doctors and osteopathic physicians;

23 F. "fund" means a county indigent hospital claims  
24 fund;

25 G. "medicaid eligible" means a person who is

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1 eligible for medical assistance from the department;

2 H. "county" means a county except a class A county  
3 with a county hospital operated and maintained pursuant to a  
4 lease with a state educational institution named in Article 12,  
5 Section 11 of the constitution of New Mexico;

6 I. "department" means the human services  
7 department;

8 J. "sole community provider hospital" means:

9 (1) a hospital that is a sole community  
10 provider hospital under the provisions of the federal medicare  
11 guidelines; or

12 (2) an acute care general hospital licensed by  
13 the department of health that is qualified, pursuant to rules  
14 adopted by the state agency primarily responsible for the  
15 medicaid program, to receive distributions from the sole  
16 community provider fund;

17 K. "drug rehabilitation center" means an agency of  
18 local government, a state agency, a private nonprofit entity or  
19 combination thereof that operates drug abuse rehabilitation  
20 programs that meet the standards and requirements set by the  
21 department of health;

22 L. "alcohol rehabilitation center" means an agency  
23 of local government, a state agency, a private nonprofit entity  
24 or combination thereof that operates alcohol abuse  
25 rehabilitation programs that meet the standards set by the

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1 department of health;

2 M "mental health center" means a not-for-profit  
3 center that provides outpatient mental health services that  
4 meet the standards set by the department of health;

5 N. "health care provider" means:

6 (1) a nursing home;

7 (2) an in-state home health agency;

8 (3) an in-state licensed hospice;

9 (4) a community-based health program operated  
10 by a political subdivision of the state or other nonprofit  
11 health organization that provides prenatal care delivered by  
12 New Mexico licensed, certified or registered health care  
13 practitioners;

14 (5) a community-based health program operated  
15 by a political subdivision of the state or other nonprofit  
16 health care organization that provides primary care delivered  
17 by New Mexico licensed, certified or registered health care  
18 practitioners;

19 (6) a drug rehabilitation center;

20 (7) an alcohol rehabilitation center;

21 (8) a mental health center; ~~[or]~~

22 (9) a licensed medical doctor, osteopathic  
23 physician, dentist, optometrist or expanded practice nurse when  
24 providing emergency services, as determined by the board, in a  
25 hospital to an indigent patient; or

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1                                    (10) a licensed medical doctor or osteopathic  
2 physician, dentist, optometrist or expanded practice nurse when  
3 providing services in an outpatient setting, as determined by  
4 the board, to an indigent patient;

5                                    0. "health care services" means treatment and  
6 services designed to promote improved health in the county  
7 indigent population, including primary care, prenatal care,  
8 dental care, provision of prescription drugs, preventive care  
9 or health outreach services, to the extent determined by  
10 resolution of the board;

11                                    P. "planning" means the development of a countywide  
12 or multicounty health plan to improve and fund health services  
13 in the county based on the county's needs assessment and  
14 inventory of existing services and resources and that  
15 demonstrates coordination between the county and state and  
16 local health planning efforts; and

17                                    Q. "commission" means the New Mexico health policy  
18 commission. "

19                                    Section 2. EFFECTIVE DATE. --The effective date of the  
20 provisions of this act is July 1, 2004.

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